

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 1, 2005.

James J. ...

4/1/05

Best Available Copy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/841,664  
Applicant : Goldman, et al.  
Filed : April 23, 2001  
Title : METHOD AND APPARATUS FOR APPLYING ENERGY TO  
BIOLOGICAL TISSUE INCLUDING THE USE OF  
TUMESCENT TISSUE COMPRESSION

Docket No. : VNUS-57470

Customer No. : 24201

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

Applicant respectfully requests a refund under 37 C.F.R. § 1.26 in the amount of \$160.00 for the Extension Fee (2252) mistakenly charged to our Deposit Account No. 06-2425 on February 28, 2005 (Posting Ref Txt No. 09841664).

Applicant mailed a response on February 1, 2005 (with a certificate of mailing for that date) to a final Office action mailed on October 1, 2004, together with a request for a one-month extension of time and a check in the amount of \$60.00. Copies of the final Office action of October 1, 2004, and the response of February 1, 2005, are attached

hereto as Exhibits 1 and 2, respectively. Accordingly, Applicant respectfully submits that a two-month extension of time was not necessary, and that the Extension Fee (2252) was mistakenly charged to our Deposit Account.

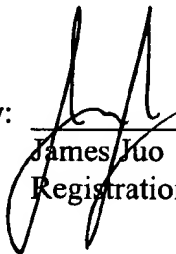
Authorization is hereby provided to credit our Deposit Account No. 06-2425.

If there are any comments or questions regarding any of the foregoing, kindly telephone the undersigned.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: \_\_\_\_\_

  
James Luo  
Registration No. 36,177

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201

Attachments: Final Office action of October 1, 2004 (Exhibit 1)  
Response of February 1, 2005 (Exhibit 2)

84787.1



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
BY DOCKET CLERK  
OCT 04 2004  
FULWIDER PATTON LEE & UTECHT, LLP  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,664	04/23/2001	Mitchel P. Goldman	VNUS-57470	6850

24201 7590 10/01/2004

JJ  
FULWIDER PATTON LEE & UTECHT, LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE  
TENTH FLOOR  
LOS ANGELES, CA 90045

EXAMINER

ROLLINS, ROSILAND STACIE

ART UNIT

PAPER NUMBER

3739

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**FINAL REJECTION**

2 - MONTH RESPONSE DUE: December 1, 2004  
3 - MONTH RESPONSE DUE: January 3, 2005  
NOTICE OF APPEAL DUE:  
(6-MONTH PERIOD ENDS) April 1, 2005

# Office Action Summary

Application No.

09/841,664

Applicant(s)

GOLDMAN ET AL.

Examiner

Rosiland S Rollins

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-51 is/are allowed.
- 6) ☒ Claim(s) 52 and 53 is/are rejected.
- 7) ☒ Claim(s) 54-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 52 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards (US 5505730). Edwards discloses a catheter (14) having an energy application device (12) that is expandable and sized for insertion into a vein, and a fluid delivery vessel (60).

***Allowable Subject Matter***

Claims 40-51 are allowed.

Claims 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

**Notice of References Cited**

Application/Control No.

09/841,664

Applicant(s)/Patent Under  
Reexamination  
GOLDMAN ET AL.

Examiner

Rosiland S Rollins

Art Unit

3739

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,505,730	04-1996	Edwards, Stuart D.	606/41
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Client ID/Matter No.: VNUS-57470  
Date Mailed: February 1, 2005  
Date Due: February 1, 2005  
Applicant: Mitchel P. Goldman, et al.  
U.S. Utility Application

Serial No.: 09/841,664  
Filing Date.: 4/23/2001

Title: METHOD AND APPARATUS FOR APPLYING ENERGY  
TO BIOLOGICAL TISSUE INCLUDING THE USE OF  
TUMESCENT TISSUE COMPRESSION

Documents enclosed:

1. Transmittal (PTO/SB/21)
2. Fee Transmittal (PTO/SB/17)
3. Petition for a One Month Extension of Time
4. Amendment After Final
5. Check for \$60.00

The U.S. Patent and Trademark Office Mail Room stamp hereon acknowledges receipt of the items indicated above on the date shown.

JJ/kd

Client ID/Matter No.: VNUS-57470  
Date Mailed: February 1, 2005  
Date Due: February 1, 2005  
Applicant: Mitchel P. Goldman, et al.  
U.S. Utility Application

Serial No.: 09/841,664  
Filing Date.: 4/23/2001

Title: METHOD AND APPARATUS FOR APPLYING ENERGY  
TO BIOLOGICAL TISSUE INCLUDING THE USE OF  
TUMESCENT TISSUE COMPRESSION

Documents enclosed:

1. Transmittal (PTO/SB/21)
2. Fee Transmittal (PTO/SB/17)
3. Petition for a One Month Extension of Time
4. Amendment After Final
5. Check for \$60.00

The U.S. Patent and Trademark Office Mail Room stamp hereon acknowledges receipt of the items indicated above on the date shown.



**FULWIDER PATTON LEE & UTECHT, LLP**  
 INTELLECTUAL PROPERTY LAW  
 6060 CENTER DRIVE, 10TH FLOOR • (310) 824-5555  
 LOS ANGELES, CA 90045

86902

16-3844-1220

DATE 02/01/05

PAY TO THE ORDER OF Commissioner of Patents and Trademarks

\$ 60.00

U. S. 60 3013 0000

DOLLARS



**Mellon**  
 1<sup>st</sup> Business Bank

SOUTH BAY OFFICE  
 200 SOUTH MAIN STREET, SUITE 212  
 FORT MYERS, FLORIDA 33902

*Delano M. Lema*

⑈086902⑈ ⑆122038442⑆ 020⑈602813⑈

DETACH AND RETAIN THIS STATEMENT  
 THE ATTACHED CHECK IS NOT PAYMENT OF ITEMS. NO RECEIPT DESIRED.  
 IF NOT CORRECT PLEASE NOTIFY PROMPTLY.

FULWIDER PATTON LEE & UTECHT, LLP

DELUXE - FORM DVCB-2 V-2


DATE	DESCRIPTION	AMOUNT
02/01/05	VNUS 57470	60.00

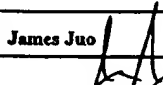


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/841,664	
	Filing Date	4/23/2001	
	First Named Inventor	Mitchel P. Goldman	
	Art Unit	3739	
	Examiner Name	Rosiland Rollins	
Total Number of Pages in This Submission	9	Attorney Docket Number	VNUS-57470

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks <div style="text-align: right;">CUSTOMER NO. 24201</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James Juo FULWIDER PATTON LEE & UTECHT, LLP
Signature	
Date	2/1/2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name	James Juo		
Signature		Date	2/1/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc Code:

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL for FY 2005</b>		Application Number	09/841,664
		Filing Date	4/23/2001
		First Named Inventor	Mitchel P. Goldman
		Examiner Name	Rosland Rollins
		Art Unit	3739
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	VNUS-57470
TOTAL AMOUNT OF PAYMENT	(\$)	\$60.00	

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 06-2425 Deposit Account Name: Fulwider Patton et al.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>

Total Claims: 12 - 20 or HP = 0 x \$25.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims: 2 - 3 or HP = 0 x \$100.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets: 100 - 100 = 0 / 50 (round up to a whole number) x \$125.00 = \$0.00

**4. OTHER FEE(S)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g. late filing surcharge): Petition for a One Month Extension of Time

\$60.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	36,177	Telephone	310-824-5555
Name (Print/Type)	James Juo	Date	2/1/2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**(Small Entity)**

Docket No.  
VNUS-57470

In Re Application Of: Mitchel P. Goldman, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/841,664	4/23/2001	Rosiland Rollins	24201	3739	6850

Invention: **METHOD AND APPARATUS FOR APPLYING ENERGY TO BIOLOGICAL TISSUE INCLUDING THE USE OF TUMESCENT TISSUE COMPRESSION**

**COMMISSIONER FOR PATENTS:**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 10/1/2004 in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: 1/1/2005                      until: 2/1/2005  
*Date*    *Date*

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is \$60 and is to be paid as follows:

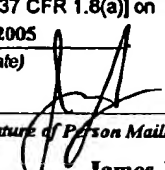
- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 06-2425
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 06-2425
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
*Signature*

Dated: 2/1/2005

James Juo  
FULWIDER PATTON LEE & UTECHT, LLP  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
(310) 824-5555 Office  
(310) 824-9696 Facsimile  
Customer No. 24201

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
2/1/2005	(Date)
	
Signature of Person Mailing Correspondence	
James Juo	
Typed or Printed Name of Person Mailing Correspondence	

CC:

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 1, 2005

James Juo

2/1/05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/841,664  
Entitled: : METHOD AND APPARATUS FOR APPLYING ENERGY TO  
BIOLOGICAL TISSUE INCLUDING THE USE OF  
TUMESCENT TISSUE COMPRESSION  
Applicant : Goldman, et al.  
Filed : April 23, 2001  
Art Unit : 3739  
Examiner : Rosiland Rollins  
Docket No.: : VNUS-57470  
Customer No. : 24201

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

This Amendment is responsive to the final Office action mailed on October 1, 2004, and the Advisory Action mailed on January 18, 2005. Please amend and reconsider the above-referenced application. A request for a one-month extension of time to file is being filed concurrently herewith.

The listing of claims start on page 2 of this paper.

The Remarks start on page 6 of this paper.

AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Claims 1-39 have been cancelled.

Claim 40. (original) A kit for treating varicose veins, comprising:

a catheter sized for insertion into a vein, the vein having an inner wall, the catheter having an energy application device that is expandable into apposition with the inner wall of the vein;

a medical tumescent fluid which when applied to tissue, causes tumescence of the tissue; and

a fluid delivery vessel capable of delivering a sufficient amount of the tumescent fluid into the tissue surrounding the vein to cause the tissue to reach a tumescent state and thereby compress the vein.

Claim 41. (original) The kit of claim 40 wherein the fluid delivery vessel is capable of delivering a sufficient amount of the solution into the tissue surrounding the vein so as to cause the tissue to reach a tumescent state to exsanguinate the vein of blood.

Claim 42. (previously presented) The kit of claim 40 further comprising a flushing fluid selected from the group consisting of:

- saline;
- vasoconstrictive agent;
- sclerosing agent;
- high impedance fluid; and
- heparin.

Claim 43. (original) The kit of claim 40 wherein the tumescent fluid comprises an anesthetic.

Claim 44. (original) The kit of claim 40 wherein the tumescent fluid comprises an anesthetic and a vasoconstrictive drug.

Claim 45. (previously presented) An apparatus for applying energy from a power source to a hollow anatomical structure, the power source being responsive to temperature signals to control the level of power, the apparatus comprising:

- a catheter having a working end and a lumen configured for fluid delivery;
- a first plurality of expandable leads disposed at the working end and a second plurality of expandable leads separately disposed at the working end longitudinally away from the first plurality of expandable leads, wherein the leads are formed and mounted to the catheter such that when in an unconfined configuration, the leads have sufficient

strength to move themselves outward into non-penetrating apposition with the inner wall, and further, the leads are formed and mounted to the catheter such that they do not have sufficient strength to prevent the reduction of the diameter of the inner wall wherein as the inner wall reduces, the leads remain in non-penetrating apposition with the inner wall and move inward with it, the leads also having a distal portion with an uninsulated distal tip, each lead electrically connected to the power source; and

a plurality of temperature sensors located at the leads, the sensors providing temperature signals representative of the temperature sensed at the leads by each sensor;

wherein the expandable leads are configured so as to permit the catheter to be moved in the hollow anatomical structure at the same time that the leads are applying energy to the hollow anatomical structure.

Claim 46. (original) The apparatus of claim 45 further comprising means for averaging the temperature signals to provide an averaged temperature signal;

Claim 47. (original) The apparatus of claim 45 wherein leads of the sensors are interconnected such that the temperature signals are averaged.

Claim 48. (original) The apparatus of claim 45 wherein the expandable leads are staggered in a longitudinal direction.

Claim 49. (original) The apparatus of claim 48 further comprising means for averaging the temperature signals.

Claim 50. (original) The apparatus of claim 49 wherein leads of the sensors are interconnected such that the temperature signals are averaged.

Claim 51. (previously presented) The apparatus of claim 45, further comprising a single electrode lead disposed forward of the first plurality of expandable leads and the second plurality of expandable leads.

Claim 52-56 have been canceled.



### REMARKS

In the final Office action mailed on October 1, 2004, claims 40-51 were allowed. Claims 52 and 53, however, were rejected under 35 U.S.C. 102(b) as being anticipated by Edwards (U.S. Patent No. 5,505,730). Claims 54-56 have been objected to as being dependent upon rejected claim 52, but are considered to be otherwise allowable.

By the present Amendment, claims 52-56 have been canceled without prejudice. Claims 40-51 remain pending in the present application. Applicant respectfully submits that the present application is in condition for allowance, and requests favorable reconsideration.

### CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests allowance of the present application at an early date. Should any question arise, kindly contact the undersigned.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

James Juo  
Registration No. 36,177

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**(Small Entity)**

Docket No.  
VNUS-57470

In Re Application Of: Mitchell P. Goldman, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/841,664	4/23/2001	Rosiland Rollins	24201	3739	6850

Invention: **METHOD AND APPARATUS FOR APPLYING ENERGY TO BIOLOGICAL TISSUE INCLUDING THE USE OF TUMESCENT TISSUE COMPRESSION**

**COMMISSIONER FOR PATENTS:**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 10/1/2004 in the above-identified application.  
Date

The requested extension is as follows (check time period desired):

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: 1/1/2005 until: 2/1/2005  
Date Date

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is \$60 and is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 06-2425
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 06-2425
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Dated: 2/1/2005

James Juo  
FULWIDER PATTON LEE & UTECHT, LLP  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
(310) 824-5555 Office  
(310) 824-9696 Facsimile  
Customer No. 24201

02/16/2005 MAILED 1 00000004 09841664

11 FC:2251

60.00 DP

CC:

Adjustment date: 05/25/2005 SDIRET01 09841664  
02/28/2005 LFUL TON 00000002 062425  
01 FC:2252 165.00 CR

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

2/1/2005  
(Date)

Signature of Person Mailing Correspondence

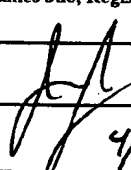
James Juo


Typed or Printed Name of Person Mailing Correspondence

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>	Application Number	09/841,664	
	Filing Date	April 23, 2001	
	First Named Inventor	Goldman, et al	
	Art Unit	3739	
	Examiner Name	Rosiland Rollins	
Total Number of Pages in This Submission		Attorney Docket Number	VNUS-57470

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Fulwider Patton Lee & Utecht, LLP James Juo, Registration No. 36,177
Signature	
Date	4/1/05

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name	James Juo	Date	Apr 1, 2005
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**